

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-8 Erie
)
MICHAEL KOSTENIUK)

MOTION TO CONTINUE TRIAL

AND NOW, comes the defendant, MICHAEL KOSTENIUK, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully moves this Honorable Court to continue the trial date, and in support thereof sets forth as follows:

1. The defendant, Michael Kosteniuk, has been charged in a two-count indictment with violations of Title 18, U.S.C. §§ 2252(a)(2) and 2252(a)(4)(B); receipt of and possession of material depicting the sexual exploitation of a minor and receipt of obscene material.

2. Mr. Kosteniuk's case is presently listed to begin trial during the trial term beginning November 28, 2005.

3. Additional time is needed to complete counsel's investigation of the facts and law before he can adequately prepare for trial. Specifically, the expert for the defense must coordinate his schedule with the FBI to view the computer hard drive.

4. Accordingly, counsel requests that the trial in this matter be continued to the trial term which begins March 13, 2006.

WHEREFORE, defendant, Michael Kosteniuk, respectfully requests that the trial in this case be rescheduled to the March 13, 2006 trial term.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton
Assistant Federal Public Defender
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